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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Victor S. MOORE et al.)	Group Art Unit: 2153
Serial No.: 09/497,836)	
Filed: February 3, 2000)	Examiner: Kimberly D. Flynn
For: USER INPUT BASED ALLOCATION)	
OF BANDWIDTH ON A DATA LINK)	

37 C.F.R. § 1.131 DECLARATION

We, the undersigned, are the Applicants for the above-identified patent application and hereby declare the following:

- (1) Claims 1-18 of the above-identified patent application were rejected under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,532,495 to Welles, II et al., which is entitled "Internet Download Enhancement System", issued on March 11, 2004 and filed on April 27, 1999. ("Welles").
- (2) The invention claims in the above-identified patent application were reduced to writing in the United States prior to the April 27, 1999 date of the Welles reference. Attached hereto is the relevant portion of an Invention Disclosure on which the above-identified patent application was based. This Invention Disclosure was prepared prior to April 27, 1999.

We, the undersigned, hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: Victor S. Moore* Signature: _____ Date: _____

Name: Glen R. Walters Signature:  Date: 10/4/2004

*Unavailable for signature under MPEP § 715.04

BC9-99-044

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